

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**WALTER RICE, ID # 07079333,** §  
§  
Plaintiff, §  
v. § Civil Action No. **3:08-CV-0152-L**  
§  
**ROSELINE MGBAKOR, DR. JOE OLIVER** §  
**HICKS, and OFFICER ANDREWS,** §  
§  
Defendants. §

**ORDER**

Before the court is the Findings and Recommendation of the United States Magistrate Judge (“Report”), filed August 8, 2008. No objections to the Report have been filed.\*

In May 2005, Plaintiff filed a civil rights action, 3:05-CV-1048-R. On September 11, 2007, the court dismissed the action without prejudice to Plaintiff’s right to reopen the case if he filed a written request within thirty days of the date of the order. The court informed Plaintiff that after thirty days, he would be required to file a new civil action to pursue his claims. Because Plaintiff failed to inform the court of an address change, he did not receive several filings and was unaware that his case had been dismissed. After the clerk of the court informed him of the dismissal, Plaintiff filed this lawsuit, on January 31, 2008.

On June 17, 2008, the court allowed the case to proceed, and the clerk issued summonses for Defendants Roseline Mgbakor, Dr. Joe Hicks Oliver, and Officer Andrews. On July 18, 2008, the

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\*On August 19, 2008, Plaintiff filed “In Regards (sic) to the Recommendation Concerning Officer Andrews, and Motion for Fact’s (sic) to be Heard Concerning Valdez, and in Regard’s (sic) to 8-11-08 Order.” In this document, Plaintiff offers e-mail addresses for the attorneys who represented Defendant Mgbakor, Oliver, and Andrews to show Defendants provided false information regarding service on these Defendants. He also seeks to present evidence to “show the vital importance to the reinstatement of Valdez.” Because Plaintiff does not object to any portion of the Report, the court does not treat this document as an objection.

summons for Officer Andrews was returned unexecuted, and the magistrate judge denied Plaintiff's request to re-serve him on August 6, 2008. The magistrate judge now recommends that this action be dismissed without prejudice as to Officer Andrews.

Having reviewed the file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. Accordingly, this action is hereby **dismissed without prejudice** as to Defendant Officer Andrews.

**It is so ordered** this 29th day of October, 2008.



Sam A. Lindsay  
United States District Judge